Giving this type of instruction is generally considered "the better practice."[323]   However, this cautionary instruction is not mandatory; failure to give such an instruction is not usually considered reversible error.[324]

Indeed, notwithstanding the cautionary instructions recommended, there "is no absolute rule of law preventing convictions on the testimony of accomplices if juries believe

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been told either that (his) (her) crimes will go unpunished in return for testimony or that (his) (her) testimony will not be used against (him) (her) in return for that cooperation, must be examined and weighed by the jury with greater care than the testimony of someone who is appearing in court without the need for such an agreement with the government.

_____ may be considered to be an immunized witness in this case.

The jury must determine whether the testimony of the immunized witness has been affected by self-interest, or by the agreement (he) (she) has with the government, or by (his own) (her own) interest in the outcome of this case, or by prejudice against the defendant.

Devitt, Blackmar, Wolff, & O'Malley, FEDERAL JURY PRACTICE AND INSTRUCTIONS § 15.03 (1992).

[323] Caminetti v. United States, 242 U.S. 470, 495 (1917) ("better practice for courts to caution juries against too much reliance upon the testimony of accomplices, and to require corroborating testimony before giving credence to such evidence").

[324] United States v. McGinnis, 783 F.2d 755, 758 (8th Cir. 1986); see also United States v. Braxton, 877 F.2d 556, 565 (7th Cir. 1989) (better practice is to instruct but failure to do so is not reversible error if corroborating evidence exists); United States v. Shriver, 838 F.2d 980, 983 (8th Cir. 1988) ("no absolute and mandatory duty is imposed upon the court to advise the jury by instruction that they should consider the testimony of an uncorroborated accomplice with caution")(internal quotations and citation omitted); but see United States v. Morgan, 555 F.2d 238, 242-43 (9th Cir. 1977) (defendant entitled to cautionary jury instruction).